

**STATE OF NORTH CAROLINA
BUNCOMBE COUNTY**

**GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
12-CVS-03029**

THE INSTITUTE FOR SOUTHERN STUDIES,)
INC., d/b/a CAROLINA PUBLIC PRESS;)
GANNETT PACIFIC CORPORATION d/b/a)
ASHEVILLE CITIZEN-TIMES; GREEN LINE)
MEDIA, INC. d/b/a MOUNTAIN XPRESS;)
WESTERN NORTH CAROLINA PUBLIC)
RADIO, INC. d/b/a WCQS; and SINCLAIR)
BROADCAST GROUP, INC., d/b/a WLOS-TV)
Plaintiffs,)
v.)
CITY OF ASHEVILLE and BUNCOMBE)
COUNTY DISTRICT ATTORNEY'S OFFICE,)
Defendants)

BY ORDER

2012 SEP 20 A 8:32
CLERK'S OFFICE, GSC

This matter came before the Court on September 4, 2012, for a hearing on the Plaintiffs' Verified Complaint and Application for Order Compelling Disclosure of Public Records ("Application") and the Motion To Dismiss in the City's Answer to the Application. The Plaintiffs were represented by Charles E. Coble, Esq., the City of Asheville was represented by Anthony Fox, Esq. and Robert W. Oast, Jr., Esq., and the Buncombe County District Attorney's Office was represented by Ronald K. Payne, Esq.

The Plaintiffs initiated this action on June 25, 2012 by filing their Application pursuant to N.C. Gen. Stat. § 132-9, and they noticed a hearing on the merits of their Application for September 4, 2012. On August 28, 2012, the City served its Answer, in which it moved to dismiss the Application because it failed to state a claim against the City on which relief can be granted.

In addition to their verified Application, the Plaintiffs filed and served an affidavit supporting their Application, and the City filed and served two affidavits in opposition.

After considering the pleadings and affidavits, as well as the Plaintiffs' brief and the arguments of counsel, the Court rules that the Plaintiffs' claims against the City should be dismissed with prejudice.

IT IS THEREFORE ORDERED that all of the Plaintiffs' claims against the City of Asheville are dismissed with prejudice. **IT IS FURTHER ORDERED** that the City's request for attorneys' fees is denied.

This the 18th day of September, 2012.



Hon. Bradley B. Letts
Superior Court Judge Presiding